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C O N F I D E N T I A L SECTION 01 OF 02 BEIJING 003381

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SUBJECT: WOMEN'S LAW STUDIES AND LEGAL AID CENTER PRESSES  
FORWARD DESPITE PRESSURE

Classified By: Acting Political Minister Counselor Ben Moeling. Reason  
1.4 (b and d)

11. (C) Summary: In a December 2 meeting with PolOffs, Women's Law Studies and Legal Aid Center (LAC) Director and 2010 International Women of Courage award nominee Guo Jianmei discussed her decision to disassociate the LAC from Beijing University in order to continue taking on legal casework. The university had told the LAC it could remain only if it ceased casework and focused solely on legal academic research. Guo believed the university's ultimatum was both targeted and political, directed by either the new conservative university president or those "higher-up." Guo described rising scrutiny from public security officials in tandem with LAC's increased involvement in benchmark public litigation cases intended to push forward legal reform. Despite added pressure, she was optimistic the LAC would be able to continue its work and felt "confident" that security officials would not detain her because of her high profile as China's first female lawyer and founder of the country's first legal aid center. Guo's goal was to turn the LAC, officially registered in September as a law firm, into China's first "public litigation" law firm. She acknowledged the high risk associated with this goal, but maintained public litigation was the best means through which to challenge current institutions and laws, and contribute to society. End Summary.

Disassociating from Beijing University  
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12. (C) Beijing University Women's Law Studies and Legal Aid Center (LAC), China's most prominent legal center for women and a magnet for female legal activists and civil society leaders, in late November was given an ultimatum by the university's law school that it must either stop taking on legal casework or disassociate from the university. Guo founded the LAC at Beijing University in 1995, just six years after the Tiananmen massacre, a time when non-government organizations in China were few and the government was extremely critical of civil society entities that challenged the status quo. The LAC served as the symbol of women's rights protection in China and under Guo's leadership had become a significant source of legal advocacy and reform, Guo said.

Politics at Play  
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13. (C) Guo called the university's ultimatum both targeted and political, pointing to the new conservative university president or "higher-up pressure" as the reason for the LAC and the school parting ways. Guo dismissed speculation that the LAC's predicament was due to ongoing efforts by Beijing University to consolidate a myriad of "empty shell" law centers connected to the university. Guo pointed out that her law center was the only one facing closure. Earlier this

spring, the university's law school gave Guo eight conditions to be met in order for the LAC to renew its association with the university. Primary among these was the directive to cease litigation work and to undertake "serious academic legal research." Embassy contacts noted that while the LAC produced a vast amount of policy-oriented research meant to drive legal and regulatory reform, university officials did not consider this academic research. Embassy contacts also noted that the law school was concerned that LAC staff did not teach students, was not physically located on campus, and had no real obligations to the school.

14. (C) Beijing University's decision, according to Guo, stemmed from the LAC's increasing involvement in public interest litigation, including several recent high-profile cases such as that of Li Ruirui, a woman who was raped by a security guard employed by Anhui and Henan provincial authorities while being held in a secret "black jail" for having attempted to exercise her rights under Chinese law to formally present a grievance petition about problems in those provinces to Beijing authorities. The case is widely viewed as a landmark attempt to hold provincial authorities accountable for the illegal detention and assault of Chinese citizens and as a challenge to the petitioning system. The security guard on December 11 was convicted and sentenced to six years in prison.

15. (C) In September, Guo registered the LAC as a law firm with plans only to take on public interest cases. While she was registering the LAC, Chinese officials asked Guo to be more cooperative and "stand at the same line" as the government on legal issues. Guo understood this suggestion

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to mean she had two choices: align the LAC with the government (the safe choice); or continue speaking out for women's rights and representing women in court, which posed considerable risk. Guo said LAC staff fully supported her decision to continue taking on cases because public litigation was the best means to push forward legal advocacy and reform. While People's University (Renmin Daxue) offered the LAC an affiliation, Guo plans to register the LAC as a private NGO with Beijing Judicial Bureau as its business supervisor. The LAC will formally disassociate from Peking University by the end of 2009.

#### Increased Scrutiny from Security Officials

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16. (C) Guo described rising scrutiny over the last two years from public security officials in tandem with the LAC's increasing involvement in benchmark public litigation cases. Despite increasing pressure, Guo was optimistic the LAC would be able to continue its work and felt "confident" that the security officials would not dare detain her because of her high profile as China's first female lawyer and founder of the country's first legal aid center. Security officials typically visited Guo once a month and now required that she not represent sensitive cases, take on group litigation, or accept interviews with the foreign media. She has also been instructed to report any plans to leave the country. Security officials have told Guo there are no plans to detain her, and that their aim was not to control her activities, but to protect Guo and the LAC. A public security official visited Guo hours after her December 2 meeting with PolOffs and warned her to be careful not to divulge "state secrets." Guo did not appear to be unduly concerned by this warning and indicated that U.S. government officials were welcome to contact her or visit the LAC at any time, pointing to U.S. government interest and support as a form of protection against indeterminate detention. (Comment: Guo may be badly misguided. Other prominent activists, such as Liu Xiaobo and Xu Zhiyong, have found their high profiles and foreign contacts no protection against legal jeopardy when the security services decided it was time to crack down.)

17. (C) Guo outlined her strategy to work within the Chinese legal system to find a way for the LAC to continue its mission. She explained that, while the Ministry of Justice would not tolerate a direct challenge to the current system, it appeared willing to allow the LAC to continue to protect women's rights. Recognizing the importance of "friends in high places," Guo also noted her center had allies in government who quietly acknowledged the importance of the LAC's work. As long as the LAC handled its casework in an acceptable manner, Guo said she believed the LAC's work would continue relatively unfettered. For that reason, Guo was intentionally handling sensitive cases, such as Li Ruirui's , discreetly.

18. (C) Guo believed that broader social trends in China were also in LAC's favor. Ordinary Chinese citizens were increasingly aware of their rights and were standing up to defend them. The government feared this trend, lacked confidence, and remained divided over how to manage what Guo described as an "upsurge in civic consciousness" and the public's assertion of democratic rights. Government tactics that sought to "comfort" Chinese citizens seeking redress rather than allowing them to air their grievances in court were self-defeating, she said. She maintained that government efforts to block public redress and stifle group litigation were directly at odds with a stronger, more demanding, and more uncontrollable civil society. Guo used an analogy to clarify her point: while the government might try to dam the swelling river of the public's demand for rights, the river would part, breaking into branches and streaming by official obstruction toward its inevitable destination: a just society.

#### The End Goal -----

19. (C) Guo said her goal was to turn the LAC into China's first "public litigation" law firm. While acknowledging the high risk associated with this goal, Guo maintained that public litigation was the best means through which to challenge current institutions and laws and contribute to society.

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